

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

August 17, 2005

DIVISION TWO

[illegible]

The judgment is affirmed.

Suzukawa, J. (Assigned)

We concur: Doi Todd, Acting P.J.
Ashmann-Gerst, J.

B177694 People (Not for Publication)
v.
McClinton

The Court:

The judgment is affirmed.

Boren, P.J., Doi Todd, J., Suzukawa, J. (Assigned)

B176630 Peterson Manufacturing Co. (Not for Publication)
v.
Titan International Inc. et al.

The order granting the summary judgment is reversed. Lockhart and Peterson are awarded their costs on appeal.

Suzukawa, J. (Assigned)

We concur: Doi Todd, Acting P.J.
Ashmann-Gerst, J.

August 17, 2005 (Continued)

DIVISION TWO (Continued)

[illegible]

The judgment is affirmed.

Suzukawa, J. (Assigned)

We concur: Boren, P.J.
Doi Todd, J.

B165713 California Fair Plan (Not for Publication)
v.
Darrow Heating Corporation et al.

The judgment is affirmed. Respondent shall receive costs on appeal.

Suzukawa, J. (Assigned)

We concur: Doi Todd, Acting P.J.
 Ashmann-Gerst, J.

B178022 Greene (Not for Publication)
v.
Carnette

We reverse the judgment of the trial court with instructions to stay the matter pending the outcome of the probate administration proceedings in Florida, and reverse its order confirming the Wells Fargo accounts as property of the Trust. In all other respects, the judgment is affirmed. If the Wells Fargo accounts are not determined by the probate proceedings in Florida to be part of the probate property, the trial court's order shall be reinstated in its entirety. The parties shall bear their own costs of appeal.

Suzukawa, J. (Assigned)

We concur: Boren, P.J.
 Doi Todd, J.

August 17, 2005 (Continued)

DIVISION THREE

Court convened at 9:30 a.m.

Present: Klein, P.J., Croskey, J., Kitching, J. and Valorie Gray, Deputy Clerk.

Each of the following:

B176364 People v. Hong
B178257 People v. Armendariz
B179532 People v. Brown
B174858 People v. Moya, et al.
B178013 People v. Guarino
B180001 People v. Bullington
B176169 People v. Jackson
B175879 People v. Nguyen
B181438 People v. Johnson
B178654 People v. Weige

Argument waived, cause submitted.

B175933 People
 v.
 Garibay

Merits:

Argued by Richard Doctoroff for appellant and by Susan Frierson, deputy attorney general for respondent. Cause submitted.

B180631 People
 v.
 Franklin

Merits:

Argued by Richard Fitzer for appellant and by Robert F. Katz, deputy attorney general for respondent. Supplemental letter brief due by the appellant on August 31, 2005, response due by respondent on September 14, 2005. Submission deferred.

DIVISION THREE (Continued)

B170484 Gerber
 v.
 Guirao, et al.

Merits:
Argued by Robert S. Gerstein for appellant and by Eric M. Volkert and
Nathan Hoffman for respondents. Cause submitted.

B171111 Quinn, Emanuel, Urquhart, Oliver & Hedges, LLP, et al.
 v.
 Kerman, et al.

Merits:
Argued by Christopher Tayback for appellants and by Robert Silver for
respondents. Cause submitted.

Court recessed at 12:06 p.m.

Court reconvened at 1:30 p.m.

Present: Klein, P.J., Croskey, J., Kitching, J. and Valorie Gray, Deputy Clerk.

Each of the following:

B183100 Cynthia C. v. S.C.L.A.
B181263 Children and Family Services v. Elvia B.
B178903 People v. Lee
B178501 People v. Loreda
B177524 People v. Darieo H.
B168096 People v. Garcia
B175027 People v. Wang
B175244 People v. Tompkins
B179606 People v. Gauthia
B176022 People v. Simpson

Argument waived, cause submitted.

DIVISION THREE (Continued)

B181042 People
v.
Cifuentes

Merits:

Argued by Ronnie Duberstein for appellant and by Daniel C. Change, deputy attorney general for respondent. Cause submitted.

B168885 Sloman
v.
Feldman

Merits:

Argued by Anthony Roach for appellant and by Jeffrey Doeringer for respondent. Cause submitted

B179189 BIS Computer Solutions, Inc.
v.
Hitachi Data Systems Corporation

Merits:

Argued by Philp Sellinger for appellant and by Edwin Carney for respondent. Cause submitted.

Court adjourned at 2:58 p.m.

DIVISION FOUR

B179928 Zahedi (Not for Publication)
v.
Downey Savings & Loan

The judgment (order of dismissal) is affirmed.

Willhite, J.

We concur: Epstein, P.J.
Curry, J.

DIVISION FOUR (Continued)

B176058 Coulson et al. (Not for Publication)
 v.
 Lemay

The judgment in favor of LeMay as to the breach of contract, fraud, and unfair business practice causes of action is reversed. Coulson shall recover his costs on appeal.

Willhite, J.

We concur: Epstein, P.J.
 Curry, J.

B177971 Zimmerman, Rosenfeld, Gersh & Leeds, LLP (Certified for Publication)
 v.
 Larson

The order granting summary judgment and judgment entered thereon are affirmed.

Curry, J.

We concur: Epstein, P.J.
 Hastings, J.

B178323 People (Not for Publication)
 v.
 Smith

The abstract of judgment is corrected to provide that the sentence for count 1 is life imprisonment with possibility of parole with a minimum term for parole eligibility of 14 years. The judgment is affirmed in all other respects.

Epstein, P.J.

We concur: Curry, J.
 Willhite, J.

DIVISION FIVE

B176844 Certain Underwriters at Lloyds (Not for Publication)
 v.
 Truck Insurance Exchange

The judgment is affirmed. Respondent(s) to recover costs.

Kriegler, J.

We concur: Turner, P.J.
 Armstrong, J.

B176152 Joe Gonzales et al. (Not for Publication)
 v.
 Shariare Nasser-Moaddeli et al.

The judgment is affirmed. Defendants, Shariare Nasser-Moaddeli, Samia Faiz, and Chest and Critical Care Consultants, are awarded their costs on appeal jointly and severally from plaintiffs, Joe Gonzales, Maria Ostler, Margaret Gonzales, Alice Moore, and Victor Gonzales. The purported appeal from the cost award is dismissed.

Turner, P.J.

We concur: Armstrong, J.
 Kriegler, J.

B180230 Marielena Jenneman et al
 v.
 John Smith et al

Filed order granting motion to dismiss appeal. Appeal (notice of appeal filed December 16, 2004) dismissed.

B173331 People
 v.
 Elmer Bautista

Filed order denying petition for rehearing.

DIVISION FIVE (Continued)

B179576 Los Angeles County, D.C.S.
v.
Irena G.
In re Tony G.

Filed order denying petition for rehearing.

DIVISION SIX

[illegible]

The 10-year gang enhancement on the conspiracy to commit murder count (count 7) is stricken, as is the \$10,000 parole revocation fine under section 1202.45. Additionally, the abstract of judgment reflects a sentence of 15 years to life for the Gomera conspiracy to commit murder (count 7) and 25 years to life for the Soria second degree murder count (count 5). In fact, the sentence for conspiracy is 25 years to life and the sentence for second degree murder is 15 years to life. The abstract of judgment shall be amended accordingly and a copy sent to the Department of Corrections. As so modified, the judgment is affirmed.

Coffee, J.

We concur: Gilbert, P.J.
Perren, J.

B179244 People (Not for Publication)
v.
Jefferson

The judgment is affirmed.

Coffee, J.

We concur: Yegan, Acting P.J.
Perren, J.

August 17, 2005 (Continued)

DIVISION SIX (Continued)

B178122 People (Not for Publication)
v.
Davis

The judgment (order of commitment) is affirmed.

Perren, J.

We concur: Yegan, Acting P.J.
Coffee, J.

B179113 Hill et al., (Not for Publication)
v.
Galuppo

The judgment is affirmed.

Perren, J.

We concur: Yegan, Acting P.J.
Coffee, J.

B183171 Marisol I. (Not for Publication)
v.
Ventura County Superior Court
(Ventura Co. Human Services Agency, r.p.i.)

The writ is denied.

Perren, J.

We concur: Gilbert, P.J.
Coffee, J.

August 17, 2005 (Continued)

DIVISION SIX (Continued)

[illegible]

The judgment is affirmed.

Gilbert, P.J.

We concur: Yegan, J.
Coffee, J.

DIVISION SEVEN

B172692 Acosta (Not for Publication)
v.
Super Center Concepts, Inc.

The judgment is affirmed. Respondent(s) to recover costs.

Perluss, P.J.

We concur: Johnson, J.
 Zelon, J.

B177025 People
v.
Chaney

(Not for Publication)

The judgment is affirmed.

Perluss, P.J.

We concur: Johnson, J.
 Zelon, J.

DIVISION EIGHT

[illegible]

The judgment is affirmed.

Boland, J.

We concur: Cooper, P.J.
Flier, J.

B170614 People (Not for Publication)
v.
Mejia

The judgment is affirmed.

Boland, J.

We concur: Cooper, P.J.
Rubin, J.

B176326 People (Not for Publication)
v.
Jackie S.,
In re Jackie S., a Person coming Under the Juvenile Court Law.

The judgment is affirmed.

Boland, J.

We concur: Rubin, Acting P.J.
Flier, J.

August 17, 2005 (Continued)

DIVISION EIGHT (Continued)

B176509 People (Not for Publication)
v.
Flores et al.

The judgment is affirmed with respect to Rugamas and reversed with respect to Flores.

Boland, J.

We concur: Rubin, Acting P.J.
Flier, J.